

DOGM RECEIVED
11/3/95

5/019/030

ALJ
10
4
94

"FILE COPY"

Moab District
Grand Resource Area
885 South Sand Flats Road
Moab, Utah 84532

3802
(UT-068)

CERTIFIED MAIL--Return Receipt Requested
Certification No. Z 003 582 980

OCT 05 1994

Mr. Ron Pene
Pene Mining
P. O. Box 4017
Grand Junction, Colorado 81502

Dear Mr. Pene:

We are in receipt of your September 28, 1994, Notice of Proposed Mining Operations, as submitted by your legal counsel, for work you propose to conduct on your Pusycat and Kelli-Jo mining claims located in the Westwater Canyon Wilderness Study Area (WSA), commencing October 30, 1994.

The majority of your mining claims are located on lands that were closed to use by Off-Road Vehicles (OHV) by the 1985 Grand Resource Area Resource Management Plan (RMP). As a result of this closure, all proposed mining operations require approval of a Plan of Operations, in accordance with requirements found at 43 CFR 3802.1-1(d).

Additionally, work you propose on these mining claims will take place within the Westwater Canyon WSA. Consequently, any work proposed would be subject to the regulations found at 43 CFR 3802, not 43 CFR 3809 as identified in your letter. The 3809 regulations cover mining claim activity on public lands. The 3802 regulations were formulated for administering mining activity specifically on lands under wilderness review.

As we informed you in a meeting on July 11, 1994, and in a follow-up letter sent July 14, 1994, a mining notice for work conducted in this area is inconsistent with existing regulation. We are returning your Notice of Proposed Mining Operations. You will be required to submit a Mining Plan of Operation before any work on your claims can be authorized. The 3802 regulations identify the types of information that must be included in the Plan of Operation.

You must have an approved Plan of Operations prior to commencement of any work on your claims in this area. Operations conducted without such authorization may be subject to knowing and willful trespass action, and/or other legal remedies afforded the United States Government in situations such as this.

We were under the impression that you were in agreement with these procedures when you left our office after the meeting on July 11, 1994. Apparently, there is still some confusion. We would be happy to meet with you if you require additional clarification of these procedures. Please direct any questions you may have regarding the foregoing to Lynn Jackson or myself at (801) 259-8193.

Sincerely,

/s/ BRAD D. PALMER

Area Manager

Enclosure

Notice of Proposed Mining Operation, Pene Mining (2 pp)

cc: UT-060, District Manager, Moab District Office (wo/Enclosure)
UT-910, State Director, Utah State Office (wo/Enclosure)
Regional Solicitor (wo/Enclosure)
Office of the Regional Solicitor
Federal Building, Suite 6201
125 South State Street
Salt Lake City, Utah 84138
Daniel B. Frank Esq. (wo/Enclosure)
Budd-Falen Law Offices
623 West 20th Street
Cheyenne, Wyoming 82003

LJackson:caf:10/4/94 SW-BIN A:PENENOTE

Chii-